

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROOSEVELT COUNCIL and
MARILYN COUNCIL,

Plaintiffs,

v.

1:08-CV-1158
(LEK/DRH)

THE STATE OF NEW YORK and
SOCIAL SERVICE DEPARTMENT
OF NEW YORK STATE,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on November 14, 2008, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 4).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 4) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the Plaintiffs' Complaint (Dkt. No. 1) is **DISMISSED**; and it is further

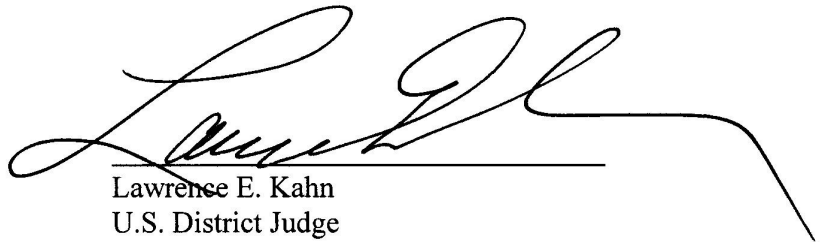
ORDERED, that Plaintiffs' Motion for leave to proceed *in forma pauperis* (Dkt. No 2) is

DENIED as moot; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: December 15, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge